

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

835 HINESBURG ROAD, LLC,
Plaintiff/Appellant,

vs.

Circuit No. 23-218

District No. 5:22-cv-58

CITY OF SOUTH BURLINGTON,
SOUTH BURLINGTON CITY
COUNCIL, MEAGHAN EMERY,
TIMOTHY BARRITT, and HELEN
RIEHLE,

Defendants/Appellees.

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- A. Certification of Docket Entries.
- B. U.S. District Court Electronic Documents.
All filed documents are accessible through District Court CM/ECF.
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CLOSED

**U.S. District Court
District of Vermont (Rutland)
CIVIL DOCKET FOR CASE #: 5:22-cv-00058-gwc
Internal Use Only**

835 Hinesburg Road, LLC v. City of South Burlington et al
Assigned to: Chief Judge Geoffrey W. Crawford
Cause: 28:1331(a) Fed. Question: Real Property

Date Filed: 02/24/2022
Date Terminated: 01/27/2023
Jury Demand: Plaintiff
Nature of Suit: 210 Condemnation
Jurisdiction: Federal Question

Plaintiff

835 Hinesburg Road, LLC

represented by **Matthew B. Byrne , Esq.**
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76 St. Paul Street, 7th Floor
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ATTORNEY TO BE NOTICED

V.

Defendant

City of South Burlington

represented by **Aliza A. Harrigan , Esq.**
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ATTORNEY TO BE NOTICED

Defendant

South Burlington City Council

represented by **Aliza A. Harrigan , Esq.**
(See above for address)
ATTORNEY TO BE NOTICED

Pietro J. Lynn , Esq.
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Meaghan Emery

represented by **Aliza A. Harrigan , Esq.**
(See above for address)
ATTORNEY TO BE NOTICED

Pietro J. Lynn , Esq.
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Timothy Barritt**

represented by **Aliza A. Harrigan , Esq.**
 (See above for address)
ATTORNEY TO BE NOTICED

Pietro J. Lynn , Esq.
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ATTORNEY TO BE NOTICED

Defendant**Helen Riehle**

represented by **Aliza A. Harrigan , Esq.**
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ATTORNEY TO BE NOTICED

Pietro J. Lynn , Esq.
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/24/2022	<u>1</u>	COMPLAINT against Timothy Barritt, Meaghan Emery, Helen Riehle, City of South Burlington, South Burlington City Council filed by 835 Hinesburg Road, LLC. (Attachments: # <u>1</u> Civil Cover Sheet) (esm) (Entered: 02/24/2022)
03/14/2022	<u>2</u>	ACKNOWLEDGMENT/ACCEPTANCE OF SERVICE. All Defendants answers due 4/25/2022.(Byrne, Matthew) Text clarified on 3/16/2022 (jlh). (Entered: 03/14/2022)
03/14/2022		(Court only) Set/Reset Deadlines: Joint Proposed Discovery Schedule/Order due by 5/10/2022. Pursuant to <u>2</u> . (esm) (Entered: 04/29/2022)
04/25/2022	<u>3</u>	NOTICE OF APPEARANCE by Pietro J. Lynn, Esq on behalf of Timothy Barritt, Meaghan Emery, Helen Riehle, City of South Burlington, South Burlington City Council.(Lynn, Pietro) (Entered: 04/25/2022)
04/25/2022	<u>4</u>	MOTION to Dismiss <u>1</u> COMPLAINT filed by Timothy Barritt, Meaghan Emery, Helen Riehle, City of South Burlington, South Burlington City Council. (Lynn, Pietro) Link added on 4/26/2022 (pjl). (Entered: 04/25/2022)
04/25/2022		(Court only) ***Terminate Deadlines and Hearings: Answer ddl terminated for All Defendants pursuant to <u>4</u> . (esm) Text clarified on 4/29/2022 (law). (Entered: 04/27/2022)
05/25/2022	<u>5</u>	RESPONSE in Opposition re <u>4</u> MOTION to Dismiss filed by 835 Hinesburg Road, LLC. (Attachments: # <u>1</u> Appendix A, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Certificate of Service)(Byrne, Matthew) (Entered: 05/25/2022)
05/25/2022		(Court only) ***Terminate Deadlines and Hearings: Response ddl terminated, Set Motion and R&R Deadlines/Hearings: Reply due 6/13/2022 in re: <u>4</u> MOTION to Dismiss pursuant to <u>5</u> . (esm) (Entered: 05/25/2022)
06/03/2022	<u>6</u>	STIPULATED MOTION for Extension of Time to File Response/Reply as to <u>4</u> MOTION to Dismiss filed by Timothy Barritt, Meaghan Emery, Helen Riehle, City of South Burlington, South Burlington City Council.(Lynn, Pietro) Text modified on 6/3/2022 (esm). (Entered: 06/03/2022)
06/06/2022	<u>7</u>	ORDER granting <u>6</u> STIPULATED MOTION for Extension of Time to File Response/Reply as to <u>4</u> MOTION to Dismiss. Time extended to June 22, 2022. Signed by Chief Judge Geoffrey W. Crawford on 6/6/2022. (This is a text-only Order.) (jal) (Entered: 06/06/2022)
06/06/2022		(Court only) Set Motion and R&R Deadlines/Hearings in re: <u>4</u> MOTION to Dismiss . Reply due 6/22/2022 pursuant to Doc. 7 Order. (esm) (Entered: 06/06/2022)
06/16/2022	<u>8</u>	NOTICE of Hearing re: <u>4</u> MOTION to Dismiss. Motion Hearing set for 8/3/2022 at 2:30 PM in Rutland Courtroom before Chief Judge Geoffrey W. Crawford. (pjl)

		(Entered: 06/16/2022)
06/22/2022	<u>9</u>	REPLY to Response to <u>4</u> MOTION to Dismiss <u>1</u> COMPLAINT filed by Timothy Barritt, Meaghan Emery, Helen Riehle, City of South Burlington, South Burlington City Council. (Attachments: # <u>1</u> Exhibit A)(Lynn, Pietro) Docket text and attachment text modified on 6/23/2022 (esm). (Entered: 06/22/2022)
06/23/2022		(Court only) ***Terminate Deadlines and Hearings: Reply Deadline re: <u>4</u> terminated pursuant to <u>9</u> . (esm) (Entered: 06/29/2022)
07/27/2022	<u>10</u>	NOTICE OF APPEARANCE by Aliza A. Harrigan on behalf of Timothy Barritt, Meaghan Emery, Helen Riehle, City of South Burlington, South Burlington City Council.(Harrigan, Aliza) (Entered: 07/27/2022)
08/03/2022	<u>11</u>	MINUTE ENTRY for proceedings held before Chief Judge Geoffrey W. Crawford: Motion Hearing held on 8/3/2022 re: <u>4</u> MOTION to Dismiss. M. Byrne, Esq. present for plaintiff. A. Harrigan, Esq. present for defendants. Court makes inquiries and counsel make statements re: naming of defendants and pending motion. ORDERED: <u>4</u> MOTION to Dismiss is taken under advisement. (Court Reporter: Sunnie Donath) (pjl) (Entered: 08/03/2022)
08/03/2022		(Court only) Motion Taken Under Advisement: <u>4</u> MOTION to Dismiss, pursuant to hearing held 8/3/2022. (pjl) (Entered: 08/03/2022)
10/04/2022	<u>12</u>	TRANSCRIPT of Motion hearing held on 8/3/2022, before Judge Geoffrey W. Crawford. Court Reporter/Transcriber Sunnie Donath, telephone number (802) 747-3140. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/28/2022. Redacted Transcript Deadline set for 11/7/2022. Release of Transcript Restriction set for 1/6/2023. (esm) (Entered: 10/04/2022)
10/28/2022		(Court only) ***Terminate Deadlines and Hearings: <u>12</u> Redaction Request Deadline terminated as expired. (esm) (Entered: 11/01/2022)
11/11/2022		(Court only) ***Terminate Transcript Deadline re: <u>12</u> as deadline has expired. (pjl) (Entered: 11/11/2022)
01/06/2023		(Court only) ***Terminate Deadlines and Hearings: <u>12</u> Release of Transcript Restriction deadline terminated as expired. Restriction removed. (esm) (Entered: 01/06/2023)
01/27/2023	<u>13</u>	ORDER granting <u>4</u> Motion to Dismiss without prejudice. Signed by Chief Judge Geoffrey W. Crawford on 1/27/2023. (esm) (Entered: 01/27/2023)
01/27/2023	<u>14</u>	JUDGMENT – the case is DISMISSED without prejudice. Signed by Deputy Clerk on 1/27/2023. (Attachments: # <u>1</u> Notice to Litigants (appeal period expires 2/27/2023)) (esm) (Entered: 01/27/2023)
02/21/2023	<u>15</u>	NOTICE OF APPEAL as to <u>13</u> Order on Motion to Dismiss, <u>14</u> Judgment by 835 Hinesburg Road, LLC (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Certificate of Service)(Byrne, Matthew) (Entered: 02/21/2023)
02/21/2023	<u>16</u>	USCA Appeal Fees received \$ 505.00 PAID. Receipt No. 366 re <u>15</u> Notice of Appeal filed by 835 Hinesburg Road, LLC. (gmg) (Entered: 02/21/2023)

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CLERK'S CERTIFICATION

I, Jeffrey S. Eaton, Clerk of the United States District Court for the District of Vermont, hereby certify that the electronic index comprises the foregoing docket entries, and constitutes the Record on Appeal.

In testimony whereof, I have hereunto subscribed my name and affixed the Seal of the aforesaid Court at Burlington, Vermont this 23rd day of February, 2023.

